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Notice of Allowability	Application No.	Applicant(s)	
	10/031,041	ANDERSON ET AL.	
	Examiner	Art Unit	
	James J. Leybourne	2881	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received December 22, 2003.
2. ☒ The allowed claim(s) is/are 3-13 and 15-28.
3. ☒ The drawings filed on 15 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. According to the "Amendment" received December 22, 2003, claims 3, 6-9, 12, 13, and 15 have been amended; claims 1, 2 and 14 have been canceled; and claims 25-28 have been added.

Allowable Subject Matter

2. Claims 3-13 and 15-28 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Regarding independent claim 3, the prior art fails to disclose or reasonably suggest a field portable mass spectrometer system comprising a nebulizer to inject MALDI matrix particles into an environmental specimen prior to collecting the specimen in an aerosol interface.

Claims 4 and 5 are allowed by virtue of their dependency on claim 3.

Regarding independent claim 6, the prior art fails to disclose or reasonably suggest using particle collector/impactor stations to deposit aerosol samples onto a tape.

Regarding independent claim 7, the prior art fails to disclose or reasonably suggest using particle collector/impactor stations to deposit aerosol samples onto a tape and tracking the movement of each sample using a magnetic write head to place reference marks on the tape.

Regarding independent claim 15, the prior art does not teach or reasonably suggest using a vacuum isolation chamber for miniaturized field portable vacuum systems. The primary feature that distinguishes the mass spectrometer of claim 15 from the prior art is the use of a sealable opening (sample inlet) and a vacuum valve (to isolate the loading chamber from the main vacuum chamber).

Claims 8-13 and 27-28 are allowed by virtue of their dependency on claims 3, 6, 7 or 15.

Claims 17-25 are allowed by virtue of their dependency on claim 16.

Claim 26 is allowed by virtue of its dependency on claim 7.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Relevant Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In US 20030010907, Hayek et al. disclose a controller for a field portable mass spectrometer system.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Leybourne whose telephone number is (571) 272-2478. The examiner can normally be reached on M-F 9:00- 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on (571) 272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 7, 2004
JJL


JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2881